AGENDA ITEM REPORT

Title: POST2507244 - EDUARDO ESCARENO-DAVILA (POST ID: C99-P62) LAST EMPLOYING AGENCY: MENDOCINO COUNTY SHERIFF'S OFFICE

REPORT PROFILE

MEETING DATE 09/17/2026	**BUREAU SUBMITTING THE REPORT** Peace Officer Standards Accountability Division	
RESEARCHED BY Gerald Fernandez	**REVIEWED BY** Robert Guyton	
REPORT DATE	**APPROVED BY** Annemarie Del Mugnaio	**DATE APPROVED**
PURPOSE	**FINANCIAL IMPACT** No	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE:

The matter is before the Commission for review and action regarding the subject peace officer's certification status. The Commission shall return any determination requiring action to be taken against an individual's certification to the division, which shall initiate proceedings for a formal hearing before an administrative law judge in accordance with the Administrative Procedure Act (Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code), which shall be subject to judicial review as set forth in that Act.

BACKGROUND:

Respondent began his employment with the Mendocino County Sheriff's Office (MCSO) on June 11, 2023 as a Trainee, becoming a full-time Deputy Sheriff/Coroner on December 10, 2023. Respondent held a peace officer position as defined under California Penal Code § 830.1(a). Respondent did not earn a peace officer certificate from POST; however, he was issued a Proof of Eligibility (POE) by POST, based on his appointment as a peace officer by the MCSO. At the time of the event at issue, Respondent was off duty. Approximately a week later, he was released during his probationary period. Respondent's POE expired upon his separation from the MCSO.

On November 13, 2024, at approximately 0310 hours, while off duty, Respondent surreptitiously entered his roommate's (Victim) bedroom and touched her vaginal area while she was sleeping. Respondent's physical touch woke Victim up. When Victim turned on the light in her bedroom, she saw Respondent lying on the floor, attempting to hide under her bed.

Victim confronted Respondent, who appeared intoxicated. Respondent told Victim he was looking for a white cat that used to be Victim's pet. Respondent repeatedly told Victim he was sorry. Respondent had never been in Victim's bedroom before, which was an unspoken rule that it was off-limits, according to the Victim. Although they were roommates, Respondent and Victim had never been in a romantic relationship, nor was there any reason to suggest she was romantically interested in him.

Respondent admitted that he had consumed beer the night of the incident and was intoxicated. He admitted that he lied to Victim when he said he was looking for the white cat. Respondent said that he went into Victim's bedroom, touched her foot, and moved his hand up her leg until he reached her calf area, at which point Victim woke up so he stopped. However, Respondent denied touching Victim's vaginal area. After Victim confronted Respondent, she called the MCSO to report the incident. MCSO deputies responded to Victim's call for service, interviewed Victim, and later the Respondent. An Emergency Protective Order (EPO) was served upon Respondent.

On December 9, 2024, Respondent was charged with one count of sexual battery, Penal Code § 243.4(e)(1), a misdemeanor. On February 20, 2026, the Complaint was amended to add a misdemeanor battery charge for Penal Code §§ 242 and 243(a). Respondent then pled guilty to the misdemeanor battery charge, and the court dismissed the sexual battery charge. The court then suspended sentencing based on a deferred entry of judgment/non-drug program. If Respondent abides by all the conditions of his deferred entry of judgment, it is possible that the battery charge will be dismissed on February 19, 2027.

On May 15, 2025, the MCSO initiated an administrative

investigation predicated on the Victim's original allegations and related criminal investigation. On July 10, 2025, the administrative investigation was completed with sustained findings for policy violations for standards of conduct, laws rules and orders, and sexual battery by the MCSO.

Video Evidence Link:

- **BR09 POST2507244 EscarenoDavila Eduardo Attachment E Victim Interview with Detective Woida**
- **BR10 POST2507244 EscarenoDavila Eduardo Attachment F Dispatch Call 1**
- **BR11 POST2507244 EscarenoDavila Eduardo Attachment G Dispatch Call 2**
- **BR12 POST2507244 EscarenoDavila Eduardo Attachment H Initial Victim Interview**
- **BR16 POST2507244 EscarenoDavila Eduardo Attachment L Respondent Interview**
- **BR17 POST2507244 EscarenoDavila Eduardo Attachment M Respondent Demonstration**
- **BR18 POST2507244 EscarenoDavila Eduardo Attachment N Video of Respondent Pointing Here**

ANALYSIS:

Clear and convincing evidence substantiated that the Respondent violated California Penal Code §13510.8(b)(6) and Commission Regulation §1205(a)(6), Acts that Violate the Law. Specifically, Respondent violated California Penal Code § 243.4(e)(1) that says, in part, "Any person who touches an intimate part of another person, if the touching is against the will of the person touched, and is for the specific purpose of sexual arousal, sexual gratification, or sexual abuse, or any person who, for the purpose of sexual arousal, sexual gratification, or sexual abuse, causes another, against that person's will, to masturbate or touch an intimate part of either of those persons or a third person, is guilty of misdemeanor sexual battery…" Penal Code § 243.4(g)(1) defines an intimate part as "the sexual organ, anus, groin, or buttocks of any person, and the breast of a female."

Respondent violated the law, Penal Code § 243.4(e)(1), sexual battery, when he admittedly crawled into Victim's bedroom without her knowledge or permission and touched Victim's bare skin with his bare hand while she was sleeping in her bedroom. Although Respondent denied touching Victim's vaginal area, he also said three separate times during his investigative interview that he wasn't sure what other parts of Victim's body he touched besides her foot and leg.

Victim's account of the incident was essentially consistent with Respondent's, except that Victim alleged that Respondent had indeed touched her vaginal area, which is what caused her to wake up. Victim was assessed to be highly credible because she provided consistent statements to dispatch and the responding deputies and she provided specific details when recounting the battery. Additionally, Victim was wearing loose-fitting shorts with no underwear, which made the direct skin-to-skin contact of her vaginal area plausible, which woke her up. Victim has no known motive to fabricate the allegations that Respondent touched her vaginal area and it was not in her best financial interest to have Respondent moved out due to the emergency protective order.

Respondent's actions represented a glaring contradiction with his obligation to uphold the law as a peace officer.

RECOMMENDATION:

The Commission shall review recommendations made by the Peace Officer Standards Accountability Advisory Board (POSAAB) regarding, what action if any, should be taken, suspension or revocation, on the certification of the subject peace officer. The Commission's decision to adopt a recommendation by POSAAB to seek revocation shall require a two-thirds vote of Commissioners present and shall be based on whether the record, in its entirety, supports POSAAB's conclusion that serious misconduct has been established by clear and convincing evidence. In any case in which the Commission reaches a different determination than POSAAB's recommendation, it shall set forth its analysis and reasons for reaching a different determination in writing.

ATTACHMENT(S):

BR01_POST2507244_EscarenoDavila Eduardo_ISF.pdf
BR02_POST2507244_EscarenoDavila Eduardo_ExecReviewDivisionRec.pdf
BR03_POST2507244_EscarenoDavila_Eduardo_POSTProfile_Redacted.pdf
BR04_POST2507244_EscarenoDavila Eduardo_AgencyIA_Redacted.pdf
BR05_POST2507244_EscarenoDavila Eduardo_Attachment A - Memo of Release_Redacted.pdf
BR06_POST2507244_EscarenoDavila Eduardo_Attachment B - Criminal Complaint_Redacted.pdf
BR07_POST2507244_EscarenoDavila Eduardo_Attachment C - Deferred Entry of Judgment Order.pdf
BR08_POST2507244_EscarenoDavila Eduardo_Attachment D - Personnel Complaint

Disposition.pdf
BR13_POST2507244_EscarenoDavila Eduardo_Attachment I - EPO_Redacted.pdf
BR14_POST2507244_EscarenoDavila_Eduardo_Attachment_J_-_TRO_Redacted.pdf
BR15_POST2507244_EscarenoDavila Eduardo_Attachment K - Search Warrant_Redacted.pdf
POST2507244_EscarenoDavila_Eduardo_July_2026_POSAAB_Agenda_Record.pdf
POST2507244_EscarenoDavila_Eduardo_Board Recommendation_Signed.pdf
POST2507244_Escareno-Davila_Eduardo_Transcript_Board_07.16.26.pdf